

Asheville City Council  
Planning and Economic Development Committee

3:30 p.m., April 19, 2011  
City Hall, First Floor Conference Room

**Minutes**

Present: Councilman Jan Davis, Chair; Councilwoman Esther Manheimer;  
Councilman Gordon Smith

Staff: Gary Jackson, Judy Daniel, Robert Griffin, Jannice Ashley, McCray Coates, Bob Oast, Blake Esselstyn, Roderick Simmons, Alan Glines

The Planning and Economic Development Committee met on February 15, 2011, in the First Floor Conference Room, City Hall. Chair Davis called the meeting to order at 3:35 p.m.

**1. Approval of Minutes**

The Minutes from the February 15, 2011, meeting were approved as written.

**2. New Business**

**Events and Festivals**

Robert Griffin, Building and Safety Director, presented to PED the attached report. The first two Events & Festivals changes (as identified in the report) are going to full Council, probably in June. The process for permitting events and festivals on public property was transferred from the Parks Department to Building Safety and the Development Service Center in March 2010. Since that time several changes in the process have been developed. The attached memo and presentation will outline those changes and seek some guidance on a couple of issues. The first two Events & Festivals changes (as identified in the report) are going to full Council, probably in June, and Mr. Griffin asked for input on the policy changes.

Changes:

- Street Closure Policy – This change has largest impact. No event or festival that is not either City developed or an anchor event will be allowed to close a bus route (cost and timing implications, etc.). However, there are a couple of events (one is the Montford Music & Art Festival) that the City has asked to look for another locations for a couple of years, with this being the last year, to make other arrangements. This is being brought forward now so that all have plenty of time to try to identify an alternative location. The assumption is that at least one, Montford Music and Arts Festival, will make a request to Council for 2012 allowing them to close the Montford Avenue for the Montford Music & Art Festival, which will impact the bus routes on Montford Avenue.

The Committee supported the policy that events or festivals should not negatively impact transit routes causing re-routing or delays.

- Runs/Walks – The City has received multiple complaints for some run/walk events on City Streets that have a "rolling" closure as well as concern from APD. We are considering a maximum number of runners for new events and working on some options for long time events. Some have become so large that intersections could be blocked for 15 - 20 minutes at the beginning and then have a safety concern at intersections as the runners become more distanced. Currently, APD has indicated they will allow a maximum of 200 runners for any event. A maximum of 400 would impact at least 14 events held during the past year. Building Safety Events and Festivals is recommending setting the maximum at 400 with the following additional requirements:
  - Adding alerts to the city homepage website geared toward advising motorists and users of transit services of potential delays
  - Press release to local media from City Hall
  - Door to door leafleting to be conducted by event along course as determined by Community Relations
  - These cannot impact transit routes in a manner that would cause delays

The Committee confirmed support that run/walk events greater than 400 would be subject to the above conditions and should not impact transit routes with delays or re-routing.

Chair Davis then asked Mr. Griffin to explain the Pack Square multiple day use (page 2, third bullet point, of attached memorandum).

The Committee recommended that the above two policy changes for Events & Festivals be forwarded on to full Council.

### **Billboard Discussion**

This agenda item is the result of Fairway Advertising recently submitting four separate applications for new digital billboards at various locations throughout the City, including a site that is on the west side of Merrimon Avenue, across from Coleman St. (just north of Claxton Elementary). The purpose of the discussion is to give the Committee some background about the billboard land use and regulation in the City of Asheville. Ms. Tuch, Assistant Planning Director, explained that billboards are considered non-conforming, off-premise signs. Mr. Oast added that the first billboard ordinance was adopted in 1977, with the last major revision occurring in 1997. (Please see attached staff report.) From the staff report:

- Staff recommends that the Planning and Economic Development Committee direct planning and legal staff to continue looking into the possibility of allowing the Fairway sign located on Riverside Drive to be a qualified billboard and to expand the overlay areas to possibly include portions of Riverside Drive. To do so may require an ordinance amendment and an amendment to the agreements with the billboard companies.
- Additionally, staff recommends that options for removing Merrimon Avenue from the qualified sign overlay zone also be considered and investigated.

The PED Committee supported these staff recommendations.

### **Momentum Site**

Judy Daniel, Planning Director, shared with the Committee that once staff learned that the site was in bankruptcy, staff began examining options for the City to consider. (Please see attached memorandum for staff comments.) However, because the site is involved in bankruptcy proceedings, the City has limited control in what is happening to the property other than to enforce ordinances that address health, safety and welfare issues. Bob Oast, City Attorney, gave the committee the background on the City's relationship with the Momentum property.

The Committee asked Mr. Oast to look into the possibility of retaining a bankruptcy attorney to be part of the bankruptcy negotiations, as the City has an interest in the enforceability of the covenants which clearly affect the value of the property. Land use policy direction will be researched and established once the bankruptcy proceedings have been completed. The Committee asked Judy Daniel, Planning Director, to prepare a grid on the implications of the different types of zoning for the property. Concerns expressed by the community include erosion control and the construction fencing. Staff was directed to continue monitoring the site for erosion control, fencing and mowing/landscaping issues.

### **3. Updates**

#### **Haywood Street City-Owned Property**

Bob Oast, City Attorney, gave the update. Mr. Oast has been tasked with checking with McKibbin Hotel Group to see if they are still interested moving forward with a contract for sale and development agreement on the property, which was received by the City at the end of 2008. The process was slowed down because of the economy, we were developing the Downtown Master Plan and we were in the midst of negotiating the 51 Biltmore site. During the closing process on the 51 Biltmore site, Mr. Oast spent time with McKibbin Hotel's director of development, and the indication was that McKibbin is still interested in the property. He indicated that essentially there are three options for moving forward: move forward with development agreement with McKibbin, release a new rfq or put the property up for sale. Mr. Oast was directed to take the information gathered during the informal discussions which occurred during the 51 Biltmore closing (at which time McKibbin said they had submitted a term sheet and expected the City to honor the process) and move forward on a more formal track. He was asked to report back to PED within the next 30-60 days.

### **4. Presentations and Public Comment**

Tim Schaller, member of the Montford Neighborhood Association Board, and David Patterson, president of Montford Neighborhood Association Board, both spoke in support of keeping the Montford Avenue Arts & Music Festival on Montford Avenue.

Both Mr. Schaller and Patterson also commented on the Momentum site. Their immediate concerns are: hopes for the greenway piece moving forward; concern over the construction fence right on the sidewalk; the impact of the zoning on the neighborhood; the maintenance of property during the bankruptcy proceedings; and the

City staying on top of the site's stormwater issues. Mr. Patterson shared with the Committee that within the Montford Association, there was interest in providing volunteers and money to help plant a buffer to make the site look better, while the site is ownership is in limbo.

The meeting was adjourned at 4:50 p.m.